IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 11997 of 2004

Between:

B.Venkateswara Rao S/o. Ramanaiah
24-291, Moolapet Rajagari Street
Bestapalem, Nellore.

..... PETITIONER

AND

1. The Government of A.P. rep. by its Secretary (LA & JSCF) Secretariat, Hyderabad.
2. The Director of Medical and Health, A.P. Hyderabad.
3. The High Court of A.P., Hyderabad represented by Registrar (Administration).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of a writ of mandamus declaring the letter of the Registrar (Administration), High Court dated 4-1-2003 in ROC.No.1995/02-C1(5) returning the application of the petitioner for reimbursement of Medical expenditure to the District and Sessions Judge, Nellore as illegal, arbitrary, unjust and improper and consequently directing the Registrar (Administration),High Court, Hyderabad to refer the application along with enclosures submitted by the applicant duly recommending his case for relaxation of the rules and for sanction of the reimbursement in terms of para -5 of G.O.Ms No.175

dated 29-5-1997 and direct the first and second respondents to consider the application of the petitioner for reimbursement of medical expenses as referred by the Registrar.

Counsel for the Petitioner:MR.M.V.J.K.KUMAR

Counsel for respondent No.1: GP for Home

Counsel for respondent No.2: None appeared.

Counsel for the Respondent No.3: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioner submitted his medical bills for reimbursement through District Judge, Nellore. The High Court on its administrative side returned the bills on the ground that Nagarjuna Hospital, in which treatment was obtained by the petitioner, is not a recognized hospital but is a private hospital and Government in paragraph No.5 of G.O.Ms.No.86 Finance and Planning (FW EXPR.EM & FW) Department dated 1st June, 1992 have stated that in respect of claims preferred by individuals either for sanction of advances or for reimbursement of medical expenditure in unrecognized hospitals, Government will not entertain such claims normally. As a matter of fact, petitioner had pointed out the circumstances under which he had to undergo treatment in a private hospital. Whether getting treatment in such circumstances in a private hospital would make out a good case for exercising the power of relaxation or not is a question, which will have to be examined by the Government. Petitioner's request for reimbursement accompanied certificate from the Nagarjuna Hospital to the effect that petitioner was admitted to the hospital on 29-1-2002 with severe abdominal pain due to chronic pancreatitlis and in view of the severe pain, he had to undergo emergency pancreaticojejunostomy on 30th January, 2002. The High Court ought to have sent the medical bills for reimbursement with a request to the Government to consider the feasibility of exercising power of relaxation in the given facts and circumstances of the case.

Accordingly, we allow the writ petition with direction to the third respondent to forward the petitioner's bills for reimbursement to respondents 1 and 2 to enable them to examine the case for relaxation if any and in case relaxation is accorded, bills for reimbursement will be passed.

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DEVINDER GUPTA, CJ

14-9-2004

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C.V.RAMULU, J

Tvr

To

1. The Secretary, Government of A.P. (LA & JSCF) Secretariat, Hyderabad.
2. The Director of Medical and Health, A.P. Hyderabad.
3. The Registrar (Administration), High Court of A.P., Hyderabad
4. 2 CCs to the Govt. Pleader for Home, High Court Buildings, Hyderabad, (OUT).
5. 2 CCS to the Standing Counsel for the High Court of A.P., High Court Buildings, Hyderabad (OUT).
6. 2 CD copies.